

*Minerva, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARVIN FRANK,  
Individually and on behalf of a class,

Plaintiff,

v.

1337 THIRD AVENUE, LLC,  
d/b/a ATLANTIC GRILL,

Defendant.

Case No. 07 CV 11420 (VM)

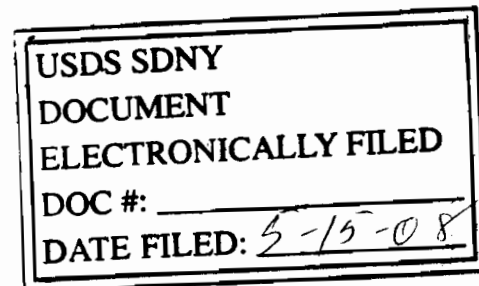
STIPULATION AND ORDER  
EXTENDING PLAINTIFF'S  
TIME TO RESPOND TO  
DEFENDANT'S MOTION TO  
DISMISS

WHEREAS the plaintiff filed a summons and complaint on December 20, 2007;

WHEREAS, in accordance with extensions of time which were so ordered by the Court and by agreement of the parties respecting the correct legal name and identity of the defendant, that complaint was not answered and instead, the plaintiff filed an amended complaint on April 11, 2008 which, among other things, substituted 1337 Third Avenue LLC for the previously-named defendant, B.R. Guest, Inc.;

WHEREAS, defendant filed a Notice of Motion and Memorandum of Law in Support thereof to dismiss the amended complaint on May 5, 2008;

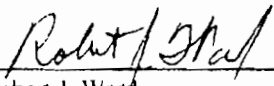
N:\DRL\Track\11420\Motion to Dismiss-Step.wpd



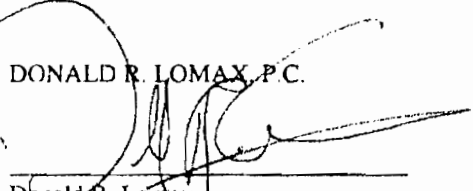
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties hereto, that the time for the plaintiff to file its responsive papers to the said Motion to Dismiss is extended to and including June 10, 2008.

Dated: New York, New York  
May 14, 2008

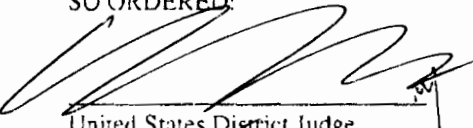
SCHULTE ROTH & ZABEL, LLP

  
Robert J. Ward  
919 Third Avenue  
New York, NY 10022  
212-756-2166  
robert.ward@srz.com  
*Attorneys for Defendant*

DONALD R. LOMAX, P.C.

  
Donald R. Lomax  
386 Park Avenue South  
New York, NY 10016  
212-682-7704  
dlomax@speakeasy.net  
*Attorneys for Plaintiff*

SO ORDERED:

  
United States District Judge  
Date: May 15, 2008